IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 9081 of 1999

Between:

Smt. K. Bharathi, W/o.late Sri K.S.N. Murthy,
Presently residing at Rajahmundry, East Godavari District.

..... PETITIONER

AND

1 Andhra Bank (A Government of India undertaking) rep.by its Chairman, Central Office, Saifabad, Hyderabad.
2 The Deputy Chief Officer, Staff Welfare Department, Andhra Bank, Head Office, Saifabad, Hyderabad.
3 The Manager, Andhra Bank, Bhilai Branch, Plot No.9, Civic Centre, Bhilai, Madhya Pradesh.
4 Sri V. Jaya Sundar, S/o.V.P. Gurappa, Andhra Bank, Civic Centre, Bhilai Branch, Bhilai, Madha Pradesh

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction one in the nature of Mandamus : (a) declaring that the action of the respondents in withholding the various terminal benefits payable pursuant to the sad demise late Sri K.S.N. Murthy, Clerk, Code No.7463, Bhilai Branch, including amounts standing to the credit in the provident Fund, Gratuity, Group Insurance, Leave salary amount etc., as arbitrary, bad in law and violative of Articles 14 and 21 of the Constitution of India and consequentially direct the respondents to pay all the aforesaid and any other terminal benefits to which the petitioner herein is entitled to. (b) Declaring that the action of the 3rd and 4th respondents in throwing the petitioner and her minor children out of the House

bearing No.67/1A, Mithrinagar, Rasali, Bhilai, constructed over the and bearing No.KHASRA No.191/7B-19/1, Total area 249 Sq.feet as arbitrary, illegal and bad in law. (c) Declaring the communication in LR.No.666/3/R/332 dt. 5-11-1998 refusing to consider the case of the petitioner herein for appointment on compassionate grounds as arbitrary and violative of Arts. 14 and 19 of the Constitution of India. (d) Award exemplary costs against the respondents No.3 and 4.

Counsel for the Petitioner: Mr. G. VIDYASAGAR

Counsel for the Respondent Nos.1 to 3: MR.NUTY RAM MOHAN RAO

Counsel for the Respondent No.4: None appeard.

The Court made the following :

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ORDER:

Heard Sri G.Vidyasagar, the learned counsel appearing for the petitioner and Sri Nuti Ram Mohana Rao, the learned counsel appearing for the respondents 1 to 3.

In this Writ Petition, the petitioner though initially sought for two reliefs; one seeking for payment of terminal benefits and another for challenging the orders of rejection in respect of appointment on compassionate grounds, it is represented by the learned counsel for the petitioner that subsequent to the filing of this Writ Petition, the terminal benefits were paid.

Now, coming to the question of entitlement of the petitioner for appointment on compassionate grounds, a reading of the impugned order passed by the second respondent runs as follows:

STAFF DEPARTMENT

HEAD OFFICE

5-9-11,

Dr. Pattabhi Bhavan

Secretariat Road,

Sailfabad,

Hyderabad – 500 004.

Lr. No.666/3/R/332,

Dated: 05.11.1998

Smt. K.Bharathi Devi,

Clerk, Sub Registrar Office,

Eluru,

W.G. District.

Madam,

Sub: Scheme for appointment of dependents of deceased employee on compassionate grounds.

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With reference in the above, we regret to inform that your representation for appointment on compassionate grounds is not considered favourably by the Bank.

(V.B.BHAGAVATHI)

DY. CHIEF OFFICER.

The said impugned order contains many lacunae and no reason is given for rejecting her appointment on compassionate grounds. Further, the case of the petitioner squarely falls well within the scheme as contemplated by the respondents. In view of the same, the matter requires to be reconsidered afresh.

The Writ Petition is accordingly disposed of directing the respondents 1 and 2 to consider afresh the request of the petitioner for appointment on compassionate grounds and pass orders on merits in accordance with law. The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

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(B.PRAKASH RAO, J)

5th April 2005.

Chvn

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1 The Chairman Andhra Bank (A Government of India undertaking) ,
Central Office, Saifabad, Hyderabad.
2 The Deputy Chief Officer, Staff Welfare Department,
Andhra Bank, Head Office, Saifabad, Hyderabad.
3 The Manager, Andhra Bank, Bhilai Branch,
Plot No.9, Civic Centre, Bhilai, Madhya Pradesh.

4 Two C.D. copies.